

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PHYLLIS LYNN TATSEY,

Defendant.

Cause No. CR 16-16-GF-BMM

ORDER

Defendant Tatsey moves the Court for emergency compassionate release under 18 U.S.C. § 3582(c)(1)(A) in light of the COVID-19 pandemic. She is currently serving a 95-month sentence for a federal drug offense and money laundering. *See* Judgment (Doc. 79). Her current projected release date is February 11, 2023. *See* Inmate Locator, www.bop.gov/inmateloc (accessed Apr. 24, 2020).

Tatsey's health problems appear significant. *See* Mot. (Doc. 96) at 1 para. 2. She also attaches favorable evaluations from prison staff. *See* Mot. Exs. (Doc. 96-1) at 1–2. As of April 24, 2020, FCI Greenville, Illinois, where Tatsey is incarcerated, had no reported cases of COVID-19 infection. *See* Interactive Map, www.bop.gov/coronavirus (accessed Apr. 24, 2020).

In response to the COVID-19 pandemic, Congress authorized the Attorney General and the Director of the Bureau of Prisons to “lengthen the maximum amount of time” a prisoner may serve in home confinement “under the first sentence of section 3624(c)(2) of title 18.” *See* CARES Act, Pub. L. No. 116-136, § 12003(b)(2), 134 Stat. 281, 516 (Mar. 27, 2020). The first sentence of § 3624(c)(2) authorizes home confinement for either ten percent of an inmate’s sentence or six months, whichever is shorter. *See* 18 U.S.C. § 3624(c)(2). The Bureau of Prisons is implementing the Act by prioritizing “the most vulnerable inmates at the most affected facilities.” *See* Memorandum, Attorney General Barr to Director of the Federal Bureau of Prisons (Apr. 3, 2020).

For two reasons, the Bureau of Prisons might not prioritize Tatsey’s transfer to home confinement. First, FCI Greenville does not currently appear to be affected by the virus, while other facilities are. This fact reduces the urgency of Tatsey’s situation. Second, Tatsey is still nearly three years away from her projected release date.

Tatsey might benefit from a sentence reduction, if appropriate, as it could bring her closer to eligibility for home confinement. The Court will address her motion on that basis. She has not shown that her situation is so urgent as to warrant immediate release.

Accordingly, IT IS ORDERED that the United States must respond to Tatsey's motion on or before **May 11, 2020**. Tatsey may file a reply within seven days of her receipt of the United States' response.

DATED this 27th day of April, 2020.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive, flowing style.

Brian Morris, Chief District Judge
United States District Court